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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,981	03/19/2004	Raphael Roux	Q80539	6901

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EXAMINER

FERGUSON, KEITH

ART UNIT PAPER NUMBER

2683

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/803,981	Applicant(s) ROUX ET AL.	
	Examiner Keith T. Ferguson	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 6-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed March 19, 2004 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. in view of Mielke et al..

Regarding claim 4, Miller et al. discloses a system (fig. 4) for billing services used by multiple communication units (MCU) (passenger) on board an aircraft (vehicle) (title and col. 2 lines 50-65), said system comprising: memory device (410) means for storing identification information/user registration information of each MCU (inherent, as a directory number or identification number of a passenger, taught in col. 9 lines 7-25 and col. 11 lines 29-42) using said services (col. 7 line 50 through col. 8 line 46 and col. 9 lines 7-25) and who is also a subscriber to a telecommunication network (col. 7 line 50 through col. 8 line 46 and col. 9 lines 7-25) and for association with said identification information/user registration information (directory number) an (billing information) (account information) for said services (col. 7 line 50 through col. 8 line 46 and col. 9 lines 7-25), and a RF interface (425) (transmitter) means for communicating to a terrestrial station (service point) managing telephone billing of said telecommunication network to bill said services used by said passenger to the subscribed telecommunication network (col.

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12 lines 46-66). Miller et al. differs from claim 4 of the present invention in that it does not explicit disclose means for transmitting the amount to be charged to the corresponding passenger to a service point. Mielke et al. teaches an aircraft system that transmits its billing records of user of telephone (540) (on-board telecommunications) to the ground base station (col. 3 line 64 through col. 4 line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller et al. with means for transmitting the amount to be charged to the corresponding passenger to a service point in order for the terrestrial station to know how much to bill the passenger base upon the aircraft wireless service plan, which may provide cheaper rates when providing wireless service to the MCU, as taught by Mielke et al..

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. in view of Mielke et al. as applied to claim 4 above and in further view of Weiler et al..

Regarding claim 5, the combination of Miller et al. and Mielke et al. differs from claim 5 of the present invention in that they do not disclose means for receiving signals to detect the operation of a mobile telephone terminal, and means for

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giving an alarm if said means for receiving detects such signals. Weiler et al. teaches an aircraft system that detects radio frequency emission from passengers electronic devices such as cellular telephone and indicates a corresponding location and warning on display connected to an interference computer (abstract, fig. 4, col. 1 lines 14-26 and col. 4 lines 3-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Miller et al. and Mielke et al. with means for receiving signals to detect the operation of a mobile telephone terminal, and means for giving an alarm if said means for receiving detects such signals in order for the flight attendants to know when a passenger is using the MCU which may interfere with the aircraft electronic equipment, as taught by Weiler et al..

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McKenna et al. (U.S. Patent 6,788,935) discloses an aircraft that sends billing information to aircraft base network (col. 8 lines 17-41).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T.

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Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
January 19, 2006

KEITH FERGUSON
PRIMARY EXAMINER

